



Driving a Minibus – UK & Abroad

Business Impact

Assist with compliance on all requirements of driving a rental minibus in the UK and Abroad

Introduction

A minibus is a motor vehicle constructed or adapted to carry more than eight but not more than 16 seated passengers in addition to the driver. Strict regulations govern the operation of minibuses and this fact sheet aims to help you to take into consideration the key issues and factors.

If the vehicle is to travel outside the UK then the rules governing international bus and coach journey which apply to private, permit, community, and passenger service vehicle (PSV) journeys would come into scope.

Entitlement to drive a Minibus

UK driving licence entitlements are accepted during temporary visits to other EC/EEA Countries.

Existing minibus entitlement will remain valid in the UK on temporary visits abroad until the licence is next renewed i.e. when the driver reaches the age of 70.

Entitlement for a driver who passed his/her driving test before 1 January 1997

These drivers automatically received D1 (minibus) or A (for licences issued before 1990) entitlement and may drive a minibus provided:

- The driver is 21 years old or over
- The minibus has no more than 16 seated passengers in addition to the driver
- It is not being used for hire or reward (see below for an explanation of hire and reward)

Entitlement for a driver who passed his/her driving test after 1 January 1997

These drivers do not automatically receive a minibus entitlement. These drivers may only drive vehicles in category B i.e. with up to 8 passenger seats in addition to the driver.

To drive larger vehicles, i.e. more than 16 seated passengers, the driver will need to take a PCV test and meet the medical requirements.

However, there is one exception to this rule in that **volunteer drivers may, within the UK, drive vehicles with not more than 16 seated passengers in addition to the driver if:** -

- The vehicle is used for social purposes by a non-commercial body and
- The driver is aged 21 or older and
- The driver has held a car licence for at least two years and
- The maximum gross weight of the vehicle does not exceed 3.5 tonnes excluding any specialised equipment up to 750 kilograms for carrying disabled people.

As mentioned above the legal minimum age for a driver of a vehicle carrying more than eight seated passengers in addition to the driver, is 21. There are 3 scenarios where provided the driver has passed the PCV test and can be insured on the vehicle the minimum age limit is 18.

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- Driving a passenger vehicle out of service without passengers (possibly casual drivers used by rental companies).
- Driving on a regular service where the route does not exceed 50 Kilometres
- Driving a passenger vehicle constructed to carry no more than 16 seated passengers in addition to the driver **within the UK** under a PSV operator's licence or section 19 or 22 permits

Minibuses and Seatbelts

Minibuses registered after October 2001 are required by law to have inertia reel three-point seatbelts fitted to all seats, the same type of belt you would find in a family car. Minibuses built and registered before then are required to have fitted seatbelts in the rear of the vehicle if it is used to carry children.

For minibuses under 2,540kg (roughly 12 seats), passengers aged 14 or over are legally responsible for ensuring that they are wearing a seatbelt, if one is available. The driver is responsible for making sure children aged 13 and under use either an appropriate child restraint or a seatbelt in the front and back seats.

From September 2006, seated passengers aged 3 years and above will have to use seat belts where they are fitted in larger buses and coaches. In vehicles over 16 seats, the driver is exempt from this responsibility because he cannot be expected to monitor seat belt wearing and drive safely at the same time.

In addition, the regulations do include a requirement that operators of minibuses, buses and coaches where seat belts are fitted take reasonable steps to notify passengers of the need to use seat belts by one or more of the following means-

- an official announcement, or an audio-visual presentation, made when the passenger joins the bus or within a reasonable time of his doing so;

- a sign prominently displayed at each passenger seat equipped with a seat belt.

The requirement is to use at least one of the notifications - for example, there would be no need to make announcements if signs have been displayed therefore Members will need to consider whether to include signage in all their minibuses, which are fitted with seatbelts similar to the one shown below:



There are no size requirements for this sign but it will need to be displayed at each passenger seat after 18th September 2006.

PSV Operator Licensing

A PSV operators licence will be required if the vehicle is a public service vehicle being operated for hire and reward, unless a section 19 or 22 permit is held. For further information on the operator licensing regime please see our Fact Sheet 522-Operators Licensing.

A public service vehicle means a motor vehicle which is:
Adapted to carry more than eight passengers (excluding the driver) and is used for carrying passengers for hire and reward; or
If not so adapted, is used for carrying passengers for hire or reward at **separate fares** and in the course of a business of carrying passengers.

Hire or Reward

The legal definition of 'hire or reward' is very wide. It encompasses any payment in cash or kind by (or on behalf of) passengers which gives them a right to be carried. In practical terms, the following situations could be among those covered by the definition:

- Paying a fare to the driver, the bus operator or a third party such as a

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travel agent or a church or social group treasurer.

- Paying a contribution towards the group hire of a vehicle – i.e. a payment to someone confirms the right to be carried
- Paying for a package of services which includes the right to use the bus e.g. hotel, vehicle rental or airline courtesy bus.
- Paying to secure a person's right to use the minibus even if the right is never exercised. E.g. paying a contractor to provide a service moving employees from one site to another. The passengers do not have to pay if the driver is being paid for the carrying of those passengers.

Members' delivery and collection drivers who are driving minibuses are not operating for hire and reward as it does not fall within the above mentioned definition.

Where Members' are using minibuses with more than eight seats to transport customers from the rental location to the airport they will be caught within the scope of hire and reward and a PSV operator license would be required. However, if the minibus has less than eight seats our view is that the vehicle is not a public service vehicle and is therefore outside the scope of PSV operator licensing.

Work Buses

Works buses are a grey area in terms of whether they are used for hire or reward. Essentially, the operation will probably not be for hire or reward if the driver is not specifically paid for driving and is paid a wage for other functions and the job title does not imply having driving responsibilities.

e.g. one employee amongst a group driving people to a conference or training session.

However, if the driver is being paid an identifiable sum for carrying passengers

or is employed to drive, the operation could fall within the scope of the definition of hire or reward as payment has been made for the carrying of passengers.

Section 19 Permits

Minibus and community bus permits are issued to organisations concerned with education, religion, social welfare, recreation or other activities of benefit to the community. They allow certain organisations to make a charge without having to comply with the full public service vehicle operator licensing requirements and without the need for their drivers to have PCV (Passenger Carrying Vehicle Test)

The services must be provided for their own members or for groups of people whom the organisation serves. The service must not be provided to members of the general public and the charges made must be on a non-profit basis.

Section 22 Permits

Community bus permits allowing a local bus service to be run on a voluntary non-profit making basis using unpaid volunteer drivers are called section 22 permits.

A guide on these permits is available in the HGV/PSV Policy and Guidance section of the VOSA website at www.vosa.gov.uk and contains details of how a permit can be obtained.

Removing Seats

It is possible to remove seats from a minibus however, temporary removal of seats does not change the classification of the vehicle therefore there are no legislative benefits to removing seats.

If the removal of the seats is on a permanent basis, the minibus should be reclassified with DVLA.

If the seats removed are to make space for luggage it is essential that luggage is stowed safely and cannot fly around inside the vehicle, especially as the

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legislation relating to minibuses stipulates that it would be an offence to carry passengers in a manner that is likely to cause danger.

Secondly, it is a statutory requirement to ensure that passengers travelling in a minibus have access to at least two exits from the vehicle.

With regards to the use of child car seats and booster seats when seats have been removed Department for Transport has commented to us that where a temporary adaptation is made, which reduces the number of seats in the minibus to less than eight, there is no need to use child car seats or booster seats in the minibus.

Where a more permanent adaptation has been made and the vehicle has been reclassified with DVLA as having less than eight seats then there will be a requirement to use child car seats or booster seats. However, our understanding is that most minibus seats are not designed for use with child car seats and booster seats so there is no requirement to comply with the legislation, as a suitable seat is not available.

Speed Limiters

Many European countries have speed limits for minibuses which are significantly lower than those which apply in the UK e.g. 80 kilometres per hour (50 miles per hour) is typical in France and Germany. Traffic offences are subject to on the spot fines.

There are some existing requirements for speed limiters to be fitted to larger minibuses, however, regulations which came into effect at the end 2005 require speed limiters to be fitted to all minibuses with more than eight seats. There are some complex retro-fitment requirements and if details of these are required we would recommend reading Fact Sheet No. 555 Speed Limiters.

Minibuses which are registered after 1 January 2005 with up to eight passenger seats used on international journeys will need to have speed limiters fitted, however, if the vehicle is to be used nationally only, a speed limiter is not required until **1 January 2008**.

All minibuses which are registered after 1 January 2005 and have more than eight seated passengers (and with a weight of more than 5001 tonnes) will need to be fitted with speed limiters.

For older vehicles the details are in the speed limiter fact sheet No. 555.

Taking a Minibus Abroad

In addition to the licensing checks outlined above, it is important that the correct documentation is carried with a minibus when it is being taken abroad. In most rental situations the journey will be a one-off, where the same passengers stay with the vehicle and return home with it. The following documents will be required:

- A Way Bill – available from the Confederation of Passenger Transport (0207 240 3131). This must be completed in advance for each vehicle and show the number of people travelling, the route and dates. The driver keeps the top copy to demonstrate that it is an international journey and exempt from the local licensing rules in the countries through which his is passing.
- A VE103B is available from the BVRLA. This document replaces the V5 (registration document) which should otherwise be carried with the vehicle and confirms that as the vehicle is on hire the driver and passengers have the consent of the registered keeper to take the vehicle abroad. This document is essential. We are aware of a case recently where a vehicle was involved in an accident in France and the vehicle was impounded for lack of documentation.
- Proof of Insurance – ‘Green Card’. Green cards are not compulsory in the EU but are required in other countries. However, evidence of insurance or an international insurance certificate must be provided to confirm that third party insurance is in force for the vehicle.

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- Passport and Visas
- Driver Licensing – A driver should carry a licence confirming D or D1 entitlement. If the licence does not show this then it is recommended that the driver should obtain a form INTP4 from his local traffic area office confirming that the driver has had at least one years experience of driving a minibus. Holders of older style licences should obtain an official translation of their licence or an international driving permit.

Drivers' Hours

Tachographs must be fitted and the EU drivers' hours rules observed on all passenger vehicles carrying more than eight seated passengers in addition to the driver, when used abroad. Currently UK drivers' hours rules need to be observed for some commercial use of a minibus, however, there is no requirement to record hours in the UK driver's hours rules.

However, this will be changing when the EU drivers' hours regulation come into force in the UK in April 2007 for commercial use of a minibus.

From April 2007 if a minibus is used commercially, defined as:

- 'hire or reward' movements
- or
- section 19 permit movements (issued to organisations concerned with education, religion, social welfare, recreation or other activities of benefit to the community) where the minibus is being driven by an employee driver.

these drivers will need to observe the EU drivers' hours rules and use a tachograph.

Members who operate courtesy buses, for example, to transfer passengers from airport terminals to the rental branch can take advantage of an exemption within the directive provided the following are achieved:

- the vehicle used for the carriage of passengers on a regular service

- the route covered by the service in question does not exceed 50 kilometres

We would recommend that Members consider how to demonstrate that the route is regular, for example a rota/schedule could be used showing timings for the service. The UK drivers' hours need to be observed by these drivers.

For full details on drivers' hours, including which rules need to be applied for which journey, see fact sheet no. 503 working time, mobile workers.

Analogue tachographs are currently being phased out and from May 2006 all newly registered vehicles which require tachographs, will be fitted with a digital tachograph which requires a driver card to record the use of the vehicle. Further detail and practical guidance is contained in Fact Sheet No. 558 Digital Tachographs.

Accessories

Each European country has different requirements for accessories, for example, in some countries it is compulsory to carry light bulbs, fuses, supplies of oil and water, warning triangles and reflective jackets.

To check an individual country requirement for accessories the RAC provide a useful website which can provide assistance. http://www.rac.co.uk/web/travelservices/european_motoring_advisor/

First Aid & Fire Extinguisher

A First Aid Kit is required in most EU countries and fire extinguishers are mandatory in the UK.

For further information contact the Legal Services Team on: 01494 434747
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